

DATED:21.09.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT APPEAL No.2973 of 2003
and WPMP.Nos.4695/03 & 1507/06

1. Society for Applied Microwave
Electronics Engineering and
Research (Sameer) rep. by its
Director, IIT Campus, Mumbai.
2. Society for Applied Microwave
Electronics Engineering and
Research Centre & Centre for
Electro Magnetics, rep. by its
Project Director C.I.T.
Complex, Tharamani, Chennai 113. ... Appellants/Respondents

vs.

Mrs. M. Revathi

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice P.K. Misra, dated 25.07.2003 made in W.P.No.3319 of 2001 presented under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus call for the records relating to the proceedings of the First Respondent in REF:SMR/Estt/CEM/LTC/616 dated 09.03.2000 and the communication of the first respondent through second respondent to the petitioner in Ref.SMR/DD/XXX/(4) dated 02.05.2000 and quash the same and directing the respondents to restore the petitioner to the rank of S.O.(Sc) and the scale of pay pertaining thereto as on 15.03.2000.

For appellants : Mr. A. Kumara Guru
For respondent : Mr. G. Narayanan, Sr. Counsel
for Mr. G.N. Sridharan

JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 25.07.2003 passed in W.P.No.3319 of 2001 in and by which the learned Judge, after satisfying with the materials placed and after quashing the impugned orders, remitted the same to the first authority for passing fresh order, after giving opportunity of hearing the writ petitioner to substantiate her stand.

2. Heard the learned counsel for the appellants as well as the learned senior counsel for the respondent.

3. In the light of the order to be passed hereunder, we are of the view that it is unnecessary to refer all the factual matrix as stated by both sides. Learned counsel for the appellants submitted that in view of the explanation of the respondent regretting her action, no formal enquiry is required and the learned Judge is not justified in directing them to conduct fresh enquiry, after affording opportunity to her.

4. We are unable to accept the said contention. We also verified the explanation of the respondent. As rightly observed by the learned Judge, had formal disciplinary enquiry held, as stated in her explanation, it would be possible for her to justify her stand. Only on his ground the learned Judge asked the first authority to conduct fresh enquiry, after affording opportunity of hearing the writ petitioner. By the said course, we are of the view that the appellants are not going to be affected in any way. By this course, it would be possible for the writ petitioner / respondent herein to place materials in support of her claim as stated in the explanation, thereafter, it is for the appellants / employer to pass appropriate orders in accordance with law. Hence, we concur with the conclusion arrived at by the learned single Judge and we do not find any valid ground for interference. Consequently, the writ appeal fails and the same is dismissed. No costs. Connected WAMPs., are also dismissed.

The authority concerned is directed to complete the enquiry and pass appropriate orders as mentioned above, within a period of three months from the date of receipt of a copy of this order.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Director,
Society for Applied Microwave Electronics
Engineering and Research (Sameer)
IIT Campus, Mumbai.

2. The Project Director,
Society for Applied Microwave
Electronics Engineering and
Research & Centre for Electro Magnetic,
CIT Complex, Tharamani, Chennai - 113.

1 cc To Mr.G.Sridhar, Advocate, SR.44307.

Writ Appeal No.2973/2003.

NG(CO)
RVL 10.10.2006



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